



## STATE BOARD OF LAND COMMISSIONERS

Dirk Kempthorne, Governor and President of the Board

Pete T. Cenarrusa, Secretary of State

Alan G. Lance, Attorney General

J. D. Williams, State Controller

Marilyn Howard, Superintendent of Public Instruction

Stanley F. Hamilton, Secretary to the Board

### FINAL MINUTES Regular Land Board Meeting March 14, 2000 9:00 AM

The regular meeting of the Idaho State Board of Land Commissioners was held on Tuesday, March 14, 2000 in Boise, Idaho. The Honorable Dirk Kempthorne presided. The following members were present:

Honorable Secretary of State Pete T. Cenarrusa  
Honorable Attorney General Alan G. Lance  
Honorable State Controller J. D. Williams  
Honorable Superintendent of Public Instruction Marilyn Howard

Secretary to the Board Stanley F. Hamilton

Upon calling the meeting to order, Governor Kempthorne acknowledged members of the legislature in the audience: Representative Tim Ridinger, Representative Wendy Jaquet and Senator Clint Stennett. Governor Kempthorne then moved agenda item #11 to the front of the agenda to accommodate the legislators present. Please see item #11 for details.

#### • **CONSENT AGENDA**

**Director Hamilton provided background information on the Consent Agenda items.**

**A motion was made by Attorney General Lance to approve the following Consent Agenda items 1 through 4. Secretary of State Cenarrusa seconded the motion. The motion carried on a vote of 5-0.**

#### **1. Official Transactions – approved**

- A. Interest Rate Report
- B. Bureau of Minerals Official Transactions – January 2000
- C. Bureau of Range management and Surface Leasing Official Transactions for Cropland, Grazing, Cottage Site, Miscellaneous and Submerged Land Leases – January 2000
- D. Bureau of Real Estate, Land Sale Section – January 2000
- E. Timber Sale Official Transactions – January 2, 2000 through February 16, 2000
- F. Bureau of Real Estate, Easement Section – January 2000

#### **2. Timber Sales, staffed by Ron Litz, Chief, Bureau of Forest Management – approved**

- |              |                       |           |
|--------------|-----------------------|-----------|
| A. CR-2-0210 | Ranger Creek          | 4,160 MBF |
| B. CR-4-0673 | North Shanghai Pole   | 1,625 MBF |
| C. CR-4-0700 | Peterson Corners Pulp | 5,930 MBF |
| D. CR-4-0715 | Flyblow               | 1,555 MBF |
| E. CR-8-0089 | Cottonwood            | 2,685 MBF |

*DISCUSSION:* Governor Kempthorne asked for details on sale 2C. Director Hamilton responded the sale is a pulp sale. A pulp sale indicates that the timber is in poor condition with dead and over mature timber. Because there are no adequate seed trees for regeneration it is necessary to clearcut and replant the area.

Governor Kempthorne asked how the actual lines of the harvest are configured. Director Hamilton deferred to Assistant Director Winston Wiggins, Forestry and Fire Division, Department of Lands, for a response. Assistant Director Wiggins stated that, based on his memory of the area in general, geographic features were followed so the lines tend to meander and be uneven. There may be a spot or two where the line may butt up to a section line, which would be a square-type appearance.

This clearcut is not in a highly visible area from a major traffic highway. In general the department's policy is to try to break up clearcuts so that they appear to be similar to natural environments. Governor Kempthorne said he would encourage that approach.

**3. Application for Qualified Bidders List, Timber Sales, staffed by Ron Litz, Chief, Bureau of Forest Management – approved**

- A. J. H. Baxter & Company, Post Office Box 305, Arlington, WA 98223
- B. Lake City Logging, 2084 War Eagle Avenue, Athol, ID 83801

**4. Minutes – approved**

- A. Regular Land Board Meeting – February 8, 2000

At the conclusion of the Consent Agenda, the following Supplemental Consent Agenda item was heard.

**• SUPPLEMENTAL CONSENT AGENDA – Board Resolution regarding water right transfer; Faulkner Land and Livestock**

*DEPARTMENT RECOMMENDATION:* The board adopt the proposed resolution recommending approval of a transfer of a water right to 320 acres of endowment land near Wendell.

*DISCUSSION:* Superintendent Howard asked for the current status of the water right and what would change as a result of this board action. Director Hamilton responded essentially this item would move forward an agreement that was entered into between the Land Board and Mr. Faulkner in 1993. Basically it would not change anything with the agreement other than Mr. Faulkner would be able to turn an additional approximately 320 acres of his current grazing lease into farmable land. The entire lease held by Mr. Faulkner is about 880 acres with 137 AUMs. Mr. Faulkner has been farming since approximately 1994-1995 on 500 acres.

The agreement the board entered into in 1993 and 1994 was that the rental for this lease would be ten times the grazing AUM rate. For 137 AUMs at \$4.75 per AUM, ten times the current rental is \$6507 for 880 acres. This lease was acquired from the BLM so basically the first ten years is under a BLM permit and the second ten years is the state's first lease. In 2002, the second ten years of the lease term, the rate would go to 17 times the AUM rate or \$11,600. There would be no change in rental at this point but there would be a change in the 2002 calendar year.

*BOARD ACTION:* A motion was made by Secretary of State Cenarrusa to approve the Supplemental Consent Agenda item. State Controller Williams seconded the motion. The motion carried on a vote of 4-0 with Governor Kempthorne abstaining.

- **REGULAR AGENDA**

**5. Director's Report, presented by Stanley F. Hamilton, Director, Department of Lands**

Balances as of January 31, 2000:

✓ Public School	\$547,442,989
✓ Pooled Funds	\$250,741,447
✓ Principal Fund Balance TOTAL	\$798,184,436

The Permanent Fund balance has remained at \$798 million for about four months. In asking Charlie Saums, Director, Endowment Fund Investment Board (EFIB), about this balance Mr. Saums indicated the EFIB is in the process of dealing with several unsuccessful assets held over the years. Essentially the EFIB is taking their losses and preparing for the conversion to an equity, more than fixed debt, situation. As a part of this effort, the department has continued to generate timber and other revenues.

Next, Director Hamilton presented the department's decision unit priority report for the current budget appropriation cycle. The department fared well in the appropriations process. For Rural Community Fire Grants, JFAC appropriated \$125,000 on a permanent basis with the understanding that the department would revert \$250,000 back to the general fund from the Triumph Mine process, which is coming to an end. The department will do that so Rural Community Fire Grants of \$125,000 will be added to the numbers presented.

The remainder of the Director's report contained standard reports. Director Hamilton stated the board is on track at \$11.6 million as the total distribution made to beneficiaries through the end of January 2000.

Secretary of State Cenarrusa asked Director Hamilton if the department had anything in its budget for RS-2477. Director Hamilton said there is currently nothing in the department's budget for this project. If this is something the board wants the department to pursue, the department will need direction from the board. It will have to wait probably until the next legislative session at this point.

No action was taken on this agenda item.

**6. Report – Endowment Fund Investment Board (EFIB), presented by Dr. Nick Hallett, Chairman, Endowment Fund Investment Board and Charlie Saums, Director**

Dr. Hallett stated almost one year ago the Land Board assigned the Endowment Fund Investment Board (EFIB) with the duty of writing an investment policy that would implement the new investment authority legislated to begin July 1<sup>st</sup>, 2000. To accomplish this, it was necessary for the board to have a comprehensive spending policy. The recommended spending policy is both aggressive and conservative. The EFIB recommends the spending policy and asks for the board's approval to proceed.

*DISCUSSION:* Superintendent Howard asked Dr. Hallett if he sees this spending policy as "a six-year commitment is a six-year commitment." Dr. Hallett responded definitely. We need an established policy that we adhere to over time and it is important that we all understand that policy, both the spending policy and the investment policy, so we will have continuity of the corpus.

Governor Kempthorne asked Dr. Hallett what the board needs to do to be ready for the July 1 implementation date. Dr. Hallett referred the question to Charlie Saums for a tentative timeline.

Mr. Saums stated EFIB's first goal was to get the spending policy established for the board. A Request for Proposal (RFP) has been started to find a consultant to help the EFIB with manager

searches to find investment professionals. That target date is April 27<sup>th</sup>, 2000. Investment managers will be hired on May 24<sup>th</sup>, 2000 with a target date of July 1<sup>st</sup>, 2000 to move forward.

With the permission of Dr. Hallett, Mr. Saums stated the EFIB will come back before the board in July with the full spending policy and full investment policy for the board's approval to stay the course. Investments will have been started at that point and the shift will have been made.

Superintendent Howard commented it is important to recognize we are making a continued promise to provide the type of funding we have had while taking into account inflation and growth. If we get extra money, that is good. But this is a sense of dedication that at some point we are not going to be at less than we are today. That continual "look forward" is important.

Governor Kempthorne thanked Dr. Hallett and Mr. Saums for the work being done. He observed that the board consensus is to stay the course and continue on the timeline as outlined.

**BOARD ACTION:** No action was taken on this agenda item.

**7. Audience with the Board, Mike Medberry, Idaho Representative for the American Lands Alliance, regarding President Clinton's Roadless Initiative**

Mr. Mike Medberry was granted an audience with the board and offered the following comments:

The President's proposed roadless policy would create a "time out" from development until Congress can decide whether these lands should be designated as wilderness. This would put pressure on Idaho to deal with the issue.

One misapprehension that the Land Board and a number of Idaho politicians have is that this policy is coming from Washington, DC. To the contrary, it originated in Idaho and the west. The roadless policy could not exist without strong public support, both locally and nationally. It would not exist if western politicians had worked to resolve the issue among all interested parties. It would not exist if Idaho leaders had continued to negotiate with local Idahoans and the Administration to resolve the forest service land management conflict over roadless areas.

Western conservationists encouraged the Administration to tackle western landscapes with this roadless policy because local and state leaders refused to deal with the issue head on and we saw magnificent places being badly treated. Delay will not make the conflict go away. There is now more than ever before no better alternative than negotiation to resolve the issue.

Mr. Medberry stated there is a lot of public support in Idaho for the roadless policy. There has also been more public involvement on this roadless policy than on anything else the Forest Service has ever done. There will be more opportunity for involvement in the future.

The state has had and will have plenty of time to weigh in on the roadless issue. In Washington, DC Senator Craig will file an appropriations rider to overturn the policy and also in Washington, DC his actions will be defeated by grassroots activists from the west. This is our issue to debate in Idaho and policy or no policy, whether there is a Democrat or Republican in the White House, it will remain our issue to resolve. It is before you today. If we delay dealing with this issue, all of Idaho will continue to lose.

**DISCUSSION:** Attorney General Lance commented that he agrees an intelligent examination of the proposal needs to be made. However, when the Forest Service can not provide maps and documents or information it is difficult to have meaningful public input or comment. He stated he was troubled to read in the newspaper that certain environmental groups apparently were considered for payment with public money to develop maps and things of that nature. He asked Mr. Medberry if he was being paid by the American Lands Alliance to be at the Land Board meeting.

In response, Mr. Medberry stated that information regarding roadless areas has been available for 15-20 years. Information and maps are available, and have been available, on the Forest Service web site. Mr. Medberry stated he was being paid for attending the Land Board meeting. He stated he works for an organization that pays him a regular salary. Mr. Medberry stated he is proud of what he does and that he is proud of the salary he makes.

For clarification, Attorney General Lance stated when access was attempted to the mentioned web site a response of "still under construction" was received. This response was received right up until the time that the comment period closed. A Freedom of Information Act request was made and was initially denied. An appeal was then filed. The appeal deadline was Thursday, March 9, 2000 and the documents, based upon the appeal, were received Monday, March 13, 2000. Attorney General Lance stated he did not feel it was fair to state that the information was available to the State of Idaho, members of the Land Board or the Office of the Attorney General.

Mr. Medberry responded by stating he had two maps that were pulled from the Forest Service web site several weeks ago. The maps contain specific information identifying roadless areas and management prescriptions for the Boise and Payette National Forests. The information was available from the web site prior to the closing of the comment period.

Mr. Medberry also presented a report that was completed by the University of Idaho. He indicated the report identifies roadless areas in Idaho and contains an extensive study of the subject, dated 1993. The State of Idaho paid for the report and it is a thorough review of the issue.

State Controller Williams asked Mr. Medberry about the process that the Administration would use. It appears the process is two tiered: one tier is a general prescription and the second tier would be more forest specific. Mr. Medberry said that is correct. The first tier is the first level of review and that may be as far as this policy goes. The first level of review is to look at the existing roadless areas, as identified in RARE II, and then to come up with a policy to manage areas over 5,000 acres. The second level of review would happen at the forest level through the forest planning process and it could – and it has not yet been clarified – direct the Forest Service to look at roadless areas over 5,000 acres that were missed during the original forest planning process. It could direct the Forest Service to manage in a certain way unroaded areas down to 1,000 acres.

State Controller Williams commented there are a lot of areas everyone can agree on that should be protected. There are other areas that everyone can agree ought to be open. The problem surfaces once a decision is made to have the areas that are open released with certainty for the industry. It is easy to say issues need to be resolved but if it is not done with certainty why would anyone want to do it?

Mr. Medberry responded that he is not sure anything in life is absolutely certain. In his opinion, he feels it is worth resolving the issues that can be resolved. He stated there has not been a wilderness designation bill since 1980 and there was no certainty given at that time. But the reality is there has been 20 years of no further wilderness designations. The forest plans also opened up areas to logging and millions of acres of wilderness areas have been logged and roaded over that 15-year period of time. There are things that could be done such as state-federal land exchange because the same issues have come up on the BLM desert lands. There the issue of state lands really is a serious issue more than forestlands these days and there are a number of other possibilities.

*AUDIENCE WITH THE BOARD:* Bob Maynard, member of the Federal Lands Task Force Working Group, addressed the board.

The Federal Lands Task Force Working Group is looking at alternative ways for federal agencies to manage federal lands in Idaho. The Group is coming forth with some pilot projects to test the idea. The Group is not committing anyone to anything but is coming up with some good one-on-one projects to test alternative means to get past some of the gridlock that we seem to encounter on public lands management in this state and elsewhere.

Mr. Maynard complimented Mr. Medberry for attending one of the Group's meetings and for engaging in constructive discussions during that meeting. The Group also prepared a letter to Governor Kempthorne voicing concerns regarding the Clinton roadless initiative. The letter expressed the Group's efforts to identify suitable land for the pilot projects to work on a collaborative basis.

Mr. Maynard said the Administration is coming forth with ecosystem and collaborative approaches to management yet the major problem is the one-size-fits-all directive of locking up a substantial portion of the lands that are in need of management for forest health reasons. The Group is concerned that the directive will impair the Group's efforts to come up with a good chunk of land that works in terms of sound science-based collaborative, cooperative management.

*DISCUSSION:* Governor Kempthorne thanked Mr. Maynard for speaking with the board. He next asked Mr. Medberry if he had any further comments. Mr. Medberry thanked the board for allowing him an opportunity to speak and thanked the board for engaging in discussion. He feels discussion is what is needed. It has really been absent. It has been both sides speaking to the press, speaking to the courts, speaking to everyone but each other. Mr. Medberry commented he hopes discussions will now begin.

Governor Kempthorne observed that while it might seem this issue has been going on for years, the current effort appears to be on the fast track. It seems to be causing frustration even among some of the professionals working for the Forest Service because forest health activities, for example, and a number of other activities, are not on a priority basis right now. The roadless initiative is the priority. And they are moving so fast. The Governor stated he feels it is very appropriate for the state to ask the federal government and the Administration to be specific.

In fact, about three weeks ago the Governor said he had the opportunity to meet with Mike Dombeck, Chief of the Forest Service, George Frampton, the President's Chairman of the Council on Environmental Quality and Jim Lyons. The Governor said he actually read Judge Lodge's conclusion to them. Judge Lodge points out that it is legitimate for a state to be asking for this information. He stated that it did not require someone learned in the law to know that you should have the maps there if you are going to be asked to participate in a meaningful partnership. The Governor said he does subscribe to Mr. Medberry's approach regarding meaningful discussion and that is what the state has been seeking from the federal government.

*BOARD ACTION:* No action was taken on this agenda item.

**8. Consideration of Lease G-6381 – Fish and Game, presented by Tracy Behrens, Range Management Specialist**

*DEPARTMENT RECOMMENDATION:* The Department recommends that the lands in expired lease G-6381 be identified for exchange to IDFG and included in an exchange package that is currently being negotiated and should be completed by spring 2001. In the interim, the Department recommends issuing IDFG a five-year miscellaneous lease authorizing them to manage the parcel in conjunction with the Charcoal Creek unit of the Boise River WMA. Annual rent for the miscellaneous lease will be \$450.00.

*BOARD ACTION:* A motion was made by Attorney General Lance to instruct the Department of Lands to either exchange or sell this property. State Controller Williams seconded the motion. The motion carried on a vote of 4-0 with Governor Kempthorne absent for this vote.

**9. Consideration of Board's Minimum Rental at Marinas, presented by Bob Snapp, Leasing Specialist**

*DEPARTMENT RECOMMENDATION:* The department recommends that rentals for ships' stores be set at \$250.00 or at 1% of gross receipts (except gasoline), whichever is greater.

*DISCUSSION:* Controller Williams asked Mr. Snapp why gasoline was excluded from gross receipts. Mr. Snapp responded the department felt it was a better option to exclude gasoline sales to encourage the public to use those facilities as opposed to pouring gas from cans or other containers into their boats at various locations. The department felt it was a safer and less polluting option.

*BOARD ACTION:* A motion was made by Attorney General Lance to adopt the department's recommendation. Secretary of State Cenarrusa seconded the motion. The motion carried on a vote of 5-0.

**10. Wolford/State of Idaho Land Exchange – Request for Final Approval to Complete a State/Private Land Exchange, presented by Perry A. Whittaker, Chief, Bureau of Real Estate – deferred one month**

*DEPARTMENT RECOMMENDATION:* Department staff recommends Land Board approval to complete this exchange.

*BOARD ACTION:* A motion was made by Attorney General Lance to defer this agenda item for one month. State Controller Williams seconded the motion. The motion carried on a vote of 5-0.

**11. Gooding T. B. Hospital – Request to Offer 4.21 Acres of General Fund Property for Surplus Sale, presented by Perry A. Whittaker, Chief, Bureau of Real Estate**

*DEPARTMENT RECOMMENDATION:* IDL staff request approval to declare the 4.21 acres as surplus property. The property will then be offered first to state agencies, as required by statute, for \$63,000 cash. The City of Gooding will be provided an opportunity to acquire the property on the same terms, if state agencies are not interested in the property. The department will return at the April board meeting with its findings and a recommendation for disposal.

*AUDIENCE WITH THE BOARD:* Governor Kempthorne invited Ervin Dains, Mayor, City of Gooding, to address the board.

Mayor Dains thanked the Governor and the board for making the demolition of the TB Hospital possible. Mayor Dains asked the board to deed the TB Hospital land back to the City of Gooding. If the board agrees, the city would draw up a long-term lease agreement with the Gooding Basque Association. The Basque Association has plans to build a 6,000 square foot convention/cultural center that would be available to the whole community, which Gooding needs.

*DISCUSSION:* Attorney General Lance asked Mayor Dains what advantage there is to giving the property to the city for lease to the Basque Association versus the state holding onto the land and leasing it to the Basque Association. Mayor Dains responded the advantage would be for the City of Gooding to have a convention center and meeting place. The Basque Association draws a lot of people into the area with various activities.

*AUDIENCE WITH THE BOARD:* Mr. Julian Legarreta, President of the Gooding Basque Association, was granted an audience with the board. Governor Kempthorne asked Mr. Legarreta to briefly sketch what the Basque Cultural Center may look like and what it would entail.

Mr. Legarreta said the Basque Association has been pondering this idea for a number of years. A representative of the Basque government visited a couple of years ago and he strongly suggested that the Association go ahead with a Basque Cultural Center.

Currently, not many people are emigrating from the Basque Country to the United States. With the help of the Basque government, the Association is trying to close the cultural gap that exists between the actual cultural style and life of the Basque people to the first generation of Basque people who have come to the United States. There is an even greater gap between second and third generation Basques. The Association is not afraid that the Basque people will not survive. They will survive. But the Basque culture will not.

Therefore, the Basque Association is trying to build a center to provide a place for language classes, dancing groups, a library, all kinds of Basque culture and programs for children. The Association has not had a place where its members can do all of these things. The TB Hospital property in Gooding is an ideal location.

If the Association can reach an agreement either with the State Land Board or the City of Gooding, it is ready to proceed with the blueprints. Everything is in place to go ahead with the project. The facility would not only be used as a Basque Cultural Center. The facility would also be used for traditional functions, such as dinners and other public functions that have been going on for 40 or 50 years. Many of those functions are being discontinued because Gooding does not have a hall to accommodate that many people. There is an overwhelming public support for this project. City council members have voted in favor of this program and the Association is hoping the project can go forward.

Governor Kempthorne asked Mr. Legarreta if the project has been costed out and what the source of funding would be. Mr. Legarreta responded basically the cost would be around \$200,000. The Association has some funds of its own and there will be some grants and some financial aid from the Basque government. Once the building construction is underway or finished, fundraisers would be held.

State Controller Williams observed it sounds like a good idea. He commented there are tourism possibilities because the site sits at the intersection of two highways. He can envision a sign on the interstate talking about a Basque Cultural Center that would bring in people from the interstate.

Mr. Legarreta stated the site is an ideal location. For nearly 30 years the property has been abandoned and the Basque Association would like to do something constructive with the site.

Secretary of State Cenarrusa commented if all the hurdles can be jumped, this would be a good project.

Attorney General Lance asked Ms. Stephanie Balzarini, Deputy Attorney General (DAG), for clarification of the law. As he understands the law, the board is required to make this property available to other state agencies. Then assuming state agencies have no use or desire for the property the board could reach an agreement with the City of Gooding.

DAG Balzarini responded that is correct. The department's recommendation in the board memorandum is consistent with existing statutes on disposal of surplus land. The property would first have to be offered to other state agencies. If no other state agency is interested in the property, then it is appropriate for a sale price to be negotiated directly with other tax supported entities, such as the City of Gooding.

Attorney General Lance asked if the board is required to also negotiate with the county. DAG Balzarini stated there would not be a requirement to negotiate with the county. If the county had an interest, then they might be someone to speak with. There is latitude in negotiations with tax-supported entities. If no tax-supported entities are interested in the property then a public auction would be held for anyone or any entity interested.

Attorney General Lance asked, in dealing with the issue of consideration, is the board under any independent obligation to repay the City of Gooding for materials and labor for the demolition. DAG Balzarini stated there is nothing in the statute that speaks to that. The statute would require the state to obtain a reasonable and appropriate market value for the property upon disposing of it. But in terms of the negotiated terms of that sale there is some latitude for the state doing so.



Governor Kempthorne restated the request before the board is that the board allow the Department of Lands to declare the property surplus. Then the department will come back before the board in April. As this process continues discussions will also continue. Governor Kempthorne observed that there is certainly great support for the idea. A Basque Cultural Center would be a tremendous asset to the State of Idaho. The Governor stated that Attorney General Lance brought up a good point as to ultimately who can retain ownership or should ownership be transferred to the city. The key is for the Basque Cultural Center to be allowed to go forward on that particular piece of property. At this point, the decision is simply to move forward in declaring the property as surplus.

*AUDIENCE WITH THE BOARD:* Representative Jaquet thanked the board for its support. She feels Attorney General Lance asked a good question. The idea of a master plan presents a lot of opportunities to the City of Gooding for increasing the revenue base. The idea of the facility being a tourist attraction would really help the City of Gooding.

*AUDIENCE WITH THE BOARD:* Representative Tim Ridinger stated not only does he feel this cultural center would help Gooding but it would also help the surrounding communities. The rural areas are all tied together by the Basque heritage. By having a centrally located Basque Center, all of the communities would be able to use the facility. It is an economic enhancement that can be provided to those types of areas. He believes this is a good project.

*AUDIENCE WITH THE BOARD:* Senator Clint Stennett believes that the location would be an anchor for the entire rural part of the northern Magic Valley.

*DISCUSSION:* Governor Kempthorne agreed that this is the kind of project needed to stimulate the economic activities of rural areas. It highlights a wonderful and rich culture.

Attorney General Lance stated that while he is generally supportive, he wanted to remind everyone that the board is potentially in the midst of litigation dealing with a Land Board decision made 29 years ago for the sale of certain real estate to the Jaycees for a cross. The allegation is that the Land Board looked at the ultimate purpose versus the technicalities of the law.

Attorney General Lance stated his questions are not necessarily to reflect that he would not support the center. The board has to make their decision by the numbers to avoid the appearance of supporting some ultimate objective when all the board has to do is worry about the real estate and how it will be disposed. He asked that his inquiries not be misunderstood. Governor Kempthorne acknowledged that Attorney General Lance had made a valid point.

*BOARD ACTION:* A motion was made by Attorney General Lance to allow the department to declare the 4.21 acres as surplus property. State Controller Williams seconded the motion. The motion carried on a vote of 5-0.

## **12. Application for Riverbed Mineral Lease Renewal – A & T Mining, E-8939, presented by Scott Nichols, Chief, Bureau of Minerals**

*DEPARTMENT RECOMMENDATION:* The Bureau of Minerals recommends Mineral Lease No. 8939 not be renewed. The area office will address any proposal for gravel extraction by temporary permit.

*BOARD ACTION:* A motion was made by Superintendent Howard to accept the department's recommendation. Attorney General Lance seconded the motion. The motion carried on a vote of 5-0.

## **• INFORMATION AGENDA**

**Director Hamilton briefed the Land Board on the Information Agenda item. No Land Board action is required on the Information Agenda.**

### 13. Timber Sale Activity Report

- A motion was made by Attorney General Lance to resolve into Executive Session at 10:50 a.m. Secretary of State Cenarrusa seconded the motion. The motion carried on a vote of 5-0.

### • EXECUTIVE SESSION

#### 14. To Consider Acquiring an Interest in Real Property Which is Not Owned by a Public Agency – Idaho Code § 67-2345 (1)(c), presented by Perry A. Whittaker, Chief, Bureau of Real Estate

- A motion was made by Attorney General Lance to resolve into Regular Session at 11:17 a.m. Secretary of State Cenarrusa seconded the motion. The motion carried on a vote of 5-0.

There being no further business before the board, the meeting adjourned at 11:17 a.m.

IDAHO STATE BOARD OF LAND COMMISSIONERS

/s/

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President, State Board of Land Commissioners and  
Governor of the State of Idaho

/s/

\_\_\_\_\_  
Pete T. Cenarrusa  
Secretary of State

/s/

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Stanley F. Hamilton  
Director

**The above-listed final minutes were approved by the State Board of Land Commissioners at the April 11, 2000 regular Land Board meeting.**